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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Forty-fifth session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 6 August 1993, at 3 p.m.

Chairman: Mr. AL-KHASAWNEH

later: Mr. YIMER

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GE.93-14502 (E)

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Promotion, protection and restoration of human rights at national, regional and international levels:

(a) Prevention of discrimination and protection of children: human rights and youth

(b) Prevention of discrimination and protection of women

The meeting was called to order at 3.10 p.m.

ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION AND BELIEF (agenda item 13) (continued)

1. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education) recalled Diderot's contention that tolerance was favoured by the persecuted and dropped as soon as they became strong enough to be persecutors. Eloquent appeals for tolerance and respect for others were often empty slogans used as required by circumstances and forgotten immediately afterwards.

2. For that reason his organization had consistently campaigned for education in tolerance, a goal set by the Final Declaration of the Vienna World Conference, UNESCO and the International Bureau of Education. Such education was possible only if certain conditions were met. Pluralism, especially in the field of education, was a sine qua non of tolerance. Imposed uniformity merely disguised and repressed a legitimate need. As the Secretary-General of the Council of Europe had said, human rights would not be advanced by a set of basically egotistic and self-centred demands. Human rights were not only the rights of each and every individual, but also, and most important, the rights of others. The imposition of a religion or belief by physical or moral force or indoctrination made no sense, but education with no doctrine at all was just as meaningless. Tolerance had to be founded upon human dignity within the meaning of article 1 of the Universal Declaration of Human Rights.

3. As a means of fighting intolerance courses on religions and morality should be included in school programmes and the various religions should be presented objectively and in detail in school textbooks and in class with a view to improving the knowledge of various religions. At the same time individuals should seek to deepen their knowledge of their own religion or their own ethical principles since such knowledge was a precondition for true tolerance. It was essential also to promote interfaith dialogue and discussions.

4. Ms. FATIO (Baha'i International Community) said that the creation of a climate of religious tolerance was a challenge facing religious leaders, educators, the media and government officials. Many believers found it difficult to reconcile religious conviction with tolerance. It was tempting to claim to have discovered the only and only truth and to relegate all those adhering to other beliefs to the status of apostates or unbelievers. The Baha'i International Community believed that such attitudes were in part the product of ignorance. Experience showed that ignorance bred superstition and perpetuated religious animosity. Education and literacy played an important part in promoting tolerance. In order to have access to the scriptures or sacred texts of one's own religion it was essential to be able to read. Unfortunately, some sectarian leaders discouraged the study of religions other than the traditional one and sometimes even dissuaded their faithful from fully investigating the teachings of their own religion. Such attitudes led all too often to violent attacks on believers of other faiths. Governments, NGOs and citizens' groups struggling to mobilize a common response to the

various crises afflicting the world had the right to expect from religious leaders a similar willingness to sacrifice dogmas and sectarian interests that inhibited the mobilization of humanity's spiritual resources.

5. Mr. ROSSI (International Association for the Defence of Religious Liberty) recalled that in the Vienna Declaration and Programme of Action the World Conference on Human Rights had called upon Governments to take all appropriate measures to counter intolerance and related violence based on religion or belief by recognizing that every individual had the right to freedom of thought, conscience, expression and religion. He hoped that the Declaration, whose importance was self-evident, would be followed up by positive action and that the States concerned would make the necessary efforts to ensure that the right was respected in practice.

6. Religious extremism represented a real danger to the security of nations and to the stability of their institutions. Today, manifestations of every form of extremism could be observed in all the great religions. The violence and barbarity faced by the Muslim population of Bosnia and Herzegovina, for example, were not only motivated by the pursuit of "ethnic cleansing" but were also due to religious extremism deriving from a mistaken concept of Christianity. Hindu fanatics in India and Muslim extremists in Algeria, Egypt, Sudan, Iran and Saudi Arabia were also indulging in acts of violence. At the Vienna Conference, several statements stigmatizing religious extremism had been made both by non-governmental organizations and by government representatives, including, for example, the Tunisian delegation which had, in particular, denounced the religious extremism that opposed the movement for the emancipation of women, regarded as inferior beings at the political and economic levels as well as within the family.

7. Too many people still thought that human rights and fundamental freedoms came second to the rules of their own religious traditions. Such a position, indirectly defended by several government delegations at the Vienna Conference, was extremely disturbing because it constituted a flagrant denial of the entire human rights system established with so much effort by the international community. Article 18 of the International Covenant on Civil and Political Rights and article 1 of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief both provided that the freedom to manifest one's religion was not an absolute freedom and could be subject to limitations "necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others". In that connection, it was extremely important that religious authorities which had not yet done so should be invited to reconsider critically their traditional positions with a view to bringing them into line with present-day requirements for guarantees of respect of all universally recognized human rights.

8. The Sub-Commission might usefully revive the proposal it had made to the Commission on Human Rights in 1991 for a worldwide consultation, in cooperation with UNESCO and interested inter-governmental and non-governmental organizations, on the position of various religions and believers on the subject of human rights and fundamental freedoms. Invitations to participate in the worldwide consultation should also be extended to representatives of

various religions. Their participation might induce religious organizations and groups to educate their members in a spirit of tolerance and respect of others.

9. Mr. SZTEINBERG (Pax Christi International) said that human beings asked for more than tolerance of their lives. They claimed the right to be themselves, with their own genetic, biological, emotional, cultural and spiritual particularities. No one was entitled to challenge a popular or religious belief under the pretext of having access to a higher universal truth recognized as such by the greater number or the strongest part of humanity. If ecumenism meant communicating with others so as to bring them more readily under one's sway and dominate them economically, intercultural and interreligious contacts would simply be an ugly joke and their consequences could be appalling.

10. Today, when information could circle the Earth instantaneously thanks to modern technology, human beings had not yet managed to overcome the incomprehensions accumulated over thousands of years. The root of the evil lay, he believed, in the inadequacy of communication at the spiritual level. So long as it persisted in denying to others the right to be unique and sacred, the arrogance of elites, peoples and individuals would lead to war because it deified the fantasies of a fraction of humanity to the detriment of the dreams of other groups. Behaving socially, culturally and politically like gods that could not be contradicted or challenged left no room for the beliefs of others.

11. Children should be trained in a spirit of acceptance of others as they were. Catechists, sociologists, teachers and other specialists in education should understand that a child was helped when it was taught not to be afraid of the unforeseen and the unknown. Instead of fear, flight or aggressivity in face of the unknown, men and women would possess a new spiritual strength, conviction and openness of mind that made them capable of communication, which in turn was a factor of peace. In the field of human rights, it was necessary to emphasize the essential role of socio-religious education in the elaboration and maturation of the mental and behavioural structures of individuals and peoples.

12. Mrs. MBONU recalled that the Sub-Commission and the Commission on Human Rights had been making active efforts since 1981 to find means of effectively ensuring the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. In that connection, article 4 of the Declaration provided that "all States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief" and to "combat intolerance on the grounds of religion or other beliefs". It might well be asked to what extent Governments had really tried to fulfil that obligation. Governments and the international community as a whole seemed to lack the political will to achieve the agreed objectives. All States and the international community as a whole should take firmer and better coordinated steps to promote tolerance and prevent discrimination based on religion or belief. Recent events in international politics had shown that Governments which violated the rights of their own populations not only provoked internal crises, conflicts and instability but could also endanger world peace and security. The international community was not called upon to

define new standards in the sphere of human rights but to display a real political will to carry out to the letter the rules already in existence. Moreover, groups which, in a legitimate pursuit of religious freedom, propagated religious extremism or sectarianism should be warned that, in doing so, they too ran the risk of endangering world peace and security.

13. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship between Peoples) said that the denial of the Other and the neurotic culture of the Self could lead to wars. In that connection, his organization wished to lay special stress upon certain fantasies forming part of the religious consciousness which, in the West, were being exploited by racist propaganda. The main one among such fantasies was that of the incompatibility of Islam with European civilization. Islam was thought to be a globalizing and, so to speak, totalitarian concept of the world, a political undertaking aimed at world domination and the destruction of freedoms. That idea showed the extent to which people's minds were influenced by an insistent propaganda which lumped together Arabs, Muslims, fundamentalists and others to manufacture the fantasy. As the writer Gilles Keppel had shown in a work entitled "The Revenge of God", none of the great religions was free from the extremes of fundamentalism and integrism, and none of those extremisms legitimately represented the essence of those religions.

14. No one today could deny the existence of countries which made use of Islam as a cover for regressive political power. But refusing Muslim citizens of lay societies the legitimate right and means to practice their religion was an encouragement to fanatical demagogues. There was no legal or material obstacle to Islam being practised on an equal footing with other persuasions in areas of lay culture. Questioning Islam's capacity to find its place within a lay society was a false problem. Lay society was not essentially anti-religious. Scientific rationalism consisted in not treating any proposition as anything other than a subject for critical reflection and discussion. The lay idea itself was not exempt from that critical obligation. In France, a debate was in progress on the question; should public education be unconnected with any form of religious culture and, in particular, should children who had no access to any religious culture be left without any knowledge of the central facts and ideas of the major religions? If children learned what Islam really was, would they not be less permeable to forms of propaganda which, for purely political reasons, grossly demonized the Muslim world?

15. States describing themselves as modern should be consistent with themselves. Being modern did not mean having a mind closed to everything but objective certitudes, it meant being open to an ever-changing, unforeseeable world. In conclusion, he paid a tribute to Emmanuel Levinas who had suffered appallingly under the barbarity of racism and whose work was steeped in the belief that truth existed only through the acceptance of the Other, the face of the Other, the sign given by the Other to the common future of humanity.

16. Mr. VU HUY TAN (Observer for Viet Nam), replying to remarks by previous speakers which had implicated his country, said that the policy of renewal conducted by Viet Nam since 1986 had been reflected in political stability, sound economic development, improvement of the level of living of the population and greater respect of citizens' rights and fundamental freedoms.

Nevertheless, for reasons that were well known, certain people tried to make use of international meetings on human rights to falsify the truth about Viet Nam. In particular, he wished to say that allegations made at the previous meeting by the International Federation of Human Rights and by Pax Romana were without foundation. Proof of that was the case of Thich Huyen Quang, who was free to practise his religious activities. The development of Buddhist activities was, moreover, attested by figures: the country had 4,374 pagodas, 2 Buddhist universities and 20 Buddhist training schools. The number of monks had risen from 17,000 in 1991 to 20,000. For the first time, the great bible of Buddhism had been translated into Vietnamese and printed for the use of practising Buddhists and believers. The Vietnamese Government was pursuing a policy of national unity aimed at bringing together all strata of the population, whatever their beliefs, their religion or their past, in order to construct a democratic, civilized and prosperous Viet Nam. He was sure that the day would come when the persons from whom the above-mentioned allegations emanated would recognize their mistakes.

17. The CHAIRMAN announced that the Sub-Commission had completed its consideration of agenda item 13.

CONTEMPORARY FORMS OF SLAVERY (agenda item 15) (E/CN.4/Sub.2/1993/30, 31 and Add.1 and 32)

PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

(a) PREVENTION OF DISCRIMINATION AND PROTECTION OF CHILDREN: HUMAN RIGHTS AND YOUTH

(b) PREVENTION OF DISCRIMINATION AND PROTECTION OF WOMEN (agenda item 16) (E/CN.4/Sub.2/1993/33)

18. Mr. MAXIM, Chairman-Rapporteur of the Working Group on Contemporary Forms of Slavery, introduced the Working Group's report on its eighteenth session, held from 17 to 27 May 1993 (E/CN.4/Sub.2/1993/30). The Working Group had been informed by the secretariat of the status of the conventions on slavery and slavery-like practices. As of 1 February 1993, 104 signatory States had ratified the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, and 63 signatory States had ratified the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. In compliance with Sub-Commission resolution 1992/2, the Working Group had had before it the Secretary-General's report on the state of implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (E/CN.4/Sub.2/AC.2/1993/8).

19. The representative of Eyes Campaign against Child Exploitation had informed the Working Group of measures taken in the United Kingdom towards the eradication of sex tourism and had called upon the Working Group to support efforts to ensure that potential signatories were not implicated in activities such as pornography involving children or child prostitution. He had also urged the Working Group to encourage States parties to the Convention on the

Rights of the Child to introduce legislative change to ensure that their own nationals who engaged while abroad in child abuse or exploited children in prostitution and pornography could be tried either in their home State or in the country where the offence had been committed. The representative of the International Abolitionist Federation had made a statement concerning child prostitution and the problem of street children. The organization estimated that there were 100 to 150 million street children in the world. The observer for India had informed the Working Group of decisions taken by his Government to strengthen laws for the prevention of child prostitution.

20. With regard to the elimination of the exploitation of child labour, a representative of the Anti-Slavery International for the Protection of Human Rights had made a statement concerning child slaves in South Asia, where it was estimated that 80 million children were living in servitude. Anti-Slavery International recommended with regard to the issue that the United Nations should ask the Governments of all importing countries to enact legislation banning imports of goods made wholly or partially by children, should encourage the establishment of national commissions on bonded labour, and should ensure the stopping of all loans, aid or support to projects likely to involve or perpetuate bonded or child labour. In reply to the NGO's observations on the subject of child labour, the representatives of India and Pakistan had described measures taken by their respective Governments.

21. In connection with the draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others, the representative of the International Abolitionist Federation had said that the General Assembly should formally declare prostitution to be a violation of human rights, should consider appointing a special rapporteur to inquire in the countries concerned, and should establish a committee to monitor the application and implementation of the Convention of 2 December 1949. A representative of Anti-Slavery International for the Protection of Human Rights had addressed the issue of forced prostitution in Turkey and had recommended the opening of an investigative inquiry to ascertain whether the existing legal provisions on prostitution in that country were being fully implemented.

22. The representative of the Trust Fund on Contemporary Forms of Slavery had told the Working Group that the main problem facing that body was lack of funds. In that regard, he had pointed out that the possibility of contributing was not limited to States: any kind of organization or institution, and even individuals, could contribute to the Fund if they wished.

23. With regard to the follow-up of matters pertaining to the sale of children, child prostitution and child pornography, the Special Rapporteur appointed to deal with that problem, Mr. Muntarbhorn, had stressed the fact that those phenomena were, sadly, universal in nature and were found in all countries. The sale of children for sexual exploitation was related to transnational trafficking between developing and developed countries, between the developing countries themselves and between the developed countries.

24. Children were often used in armed conflicts as porters and sometimes even as combatants. They were also the victims of a wide range of abuses which had

emerged in recent years, being made, in particular, to sell drugs, to steal and to commit all kinds of other offences, many of those activities being linked with corruption within national systems.

25. As for cross-frontier trafficking in women and children, the Special Rapporteur had pointed out that it was linked with sex tourism. The Working Group had also reviewed developments in other fields of contemporary forms of slavery. The representative of Anti-Slavery International for the Promotion of Human Rights had raised the question of slavery in Mauritania as well as that of the trafficking in Mozambican refugees in South Africa. In connection with forced labour, the ILO observer had recalled that at its 1993 session the Committee of Experts on the Application of Conventions and Recommendations had formulated some comments in relation to the application of Forced Labour Convention No. 29, 1930, in a number of countries. Certain comments had related in particular to forced child labour. The representative of the International Fellowship of Reconciliation and a representative of Liberation had addressed the issue of the forced displacement and servitude of Koreans and Dutch nationals by Japan during the Second World War. Various NGOs had also reported that forced labour was practised in Haiti, Nepal, Pakistan and West Africa.

26. With regard to exploitation and traffic in all its forms affecting children, the representative of the International Association of Democratic Lawyers had made a statement concerning the traffic in human organs. It appeared that the traffic, particularly in children's organs, was worsening. It was thought to be thriving in Argentina, Colombia, Honduras, Mexico and Peru, but there was also believed to be evidence of traffic in children's organs in Albania, Greece and Italy.

27. The Working Group had considered the question of incest and sexual abuse of children within the family. The participants had been invited to present at future sessions of the Group any study they considered would be useful in order to combat that form of slavery.

28. Representatives of the International Commission of Jurists, the World Council of Churches, the International Association of Democratic Lawyers and the Third World Movement Against the Exploitation of Women had addressed the issue of "comfort women" forced into sexual slavery by the Japanese Government during the Second World War. The personal testimonies of two former victims of sexual slavery had been presented to the Working Groups. The observers for Japan, the Republic of Korea and the Democratic People's Republic of Korea had made statements on the issue.

29. Turning to the recommendations adopted by the Working Group at its eighteen session, he said that the Working Group had requested the Special Rapporteur on the sale of children to continue to pay attention to issues relating to trafficking in children, such as organ transportation, the use of children's body products, disappearances, the purchase and sale of children, adoptions for commercial purposes or exploitation, child prostitution and the involvement of children in armed conflicts. It had also encouraged all Governments to consider the creation of programmes aimed at the social rehabilitation of all persons involved in prostitution, and of children in particular.

30. In connection with the removal of organs from children, the Working Group had requested the Secretary-General to invite again all Governments, the United Nations institutions, including UNICEF, the specialized agencies, in particular WHO, ICPO-INTERPOL and all relevant non-governmental organizations to indicate any measures taken to counteract the practice.

31. The Working Group had also decided to transmit to the Commission at its fiftieth session the Secretary-General's report on the state of implementation of the programme of action for the prevention of the sale of children, child prostitution and child pornography. In connection with the eradication of the exploitation of child labour, it had recommended to the Sub-Commission that it appoint a special rapporteur on child labour and debt bondage as soon as possible.

32. It had also decided to continue to give attention at its nineteenth session to the question of the effects of armed conflicts on children's lives. It had requested the Centre for Human Rights to continue to transmit to the Commission on Human Rights Working Group on Enforced or Involuntary Disappearances any available information concerning disappearances and, in connection with the prevention of traffic in persons and exploitation of the prostitution of others, had recommended that the Sub-Commission propose that the Commission examine, at its fiftieth session, the draft programme of action towards that end. It had requested the Secretary-General to convey again to the World Tourism Organization the Working Group's grave concern at the information received during its eighteenth session with regard to the persistence and the development of sex tourism. It had further recommended that Governments should restrict advertising which encouraged sex tourism, that States should take urgent measures designed to protect minors from involvement in child pornography, and that national bodies for the prevention of prostitution should be established in all States in order to assist in the rehabilitation and re-integration of victims of prostitution.

33. As the Special Rapporteur on the right of restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms had expressed the wish to prepare a study on the sexual exploitation of women, as well as other forms of forced labour, during war time, the Working Group had decided to inform the Sub-Commission of that wish.

34. It had requested the Secretary-General to seek the views and suggestions of member States and of interested governmental and non-governmental organizations in connection with its future activities so that the replies might be considered at its forthcoming sessions. Lastly, it had appealed to all Governments, as well as youth organizations and young persons from various non-governmental organizations, to participate in its meetings.

35. With regard to the Working Group's methods of work, several NGOs had made a joint statement expressing the wish that the Group should devote three meetings during the first week of its sessions to the programmes of action and then split up into three groups to discuss the various reports and initatives more informally and to begin to formulate guiding principles. The statement also recommended that NGOs should generally be more active in lobbying Governments to send observers to the Working Group. NGOs should not only

inform Governments of reports to be submitted but should also request them to provide information about various initiatives taken in their countries and the results of those initiatives.

36. In conclusion, he made several suggestions which in his view would enhance the efficiency of the Working Group. The problems under consideration deserved a far greater involvement than hitherto on the part of the interntional community in the protection of victims of slavery-like practices the perpetuation of which, at the dawn of the twenty-first century, was hard to believe. With that in mind, the Working Group believed its competence should be formally recognized by the Commission for Human Rights and the Economic and Social Council. Accordingly, the Sub-Commission should recommend that the Commission mandate a working group to monitor the situation worldwide with regard to those forms of slavery and to ensure the appliction of the three relevant conventions. In practice, that would mean establishing an operational mechanism of the same type as the Working Group on Arbitrary Detention or the Working Group on Enforced or Involuntary Disappearances, two bodies whose efficacy had been fully demonstrated. The Special Rapporteur on the Sale of Children would naturally play a most active role in the work of the proposed working group.

37. The Working Group on Contemporary Forms of Slavery hoped that the Commission at its next session would adopt the third programme of action it had drawn up. The two previous programmes of action adopted by the Commission could readily serve as a basis for reflection and action to the new working group. He added that the Vienna Declaration and Programme of Action adopted not long ago at the World Conference on Human Rights, while not expressly referring to slavery, spoke of practices which fell squarely into that category. Reference had been made in Vienna to the principle of non-discrimination on grounds of sex and the need to combat the sexual exploitation of women and girls, as well as to protect and defend abandoned children, street children and children who were victims of economic and sexual exploitation.

38. The establishment of the mechanism he was advocating would have the great merit of giving the Working Group the institutional means it needed to enhance its effectiveness. One NGO had gone even further by proposing the appointment of a special rapporteur on the question of contemporary forms of slavery.

39. Mr. Yimer took the Chair.

40. Mrs. PARAKH (International Commission of Jurists) deplored the fact that little concrete action had been taken to provide relief to the so-called "comfort women" forced to prostitute themselves to soldiers of the Japanese Imperial Army during the Second World War although the matter had been raised in the Commission for Human Rights and the Sub-Commission and a great deal had appeared on the subject in the media. She also deplored that those human rights violations had been passed over in silence for more than 40 years.

41. Her organization had recently sent a mission to the Philippines, the Republic of Korea, the Democratic People's Republic of Korea and Japan to investigate the matter. The mission had interviewed victims, soldiers,

government representatives, representatives of NGOs, lawyers, academics and journalists. Its preliminary report had been submitted to the Working Group on Contemporary Forms of Slavery in May 1993.

42. From information gathered by the mission it was clear that the Japanese Imperial Army had been fully responsible for the establishment and operation of brothels in which Chinese, Dutch, Filipino, Indonesian, Korean, Malaysian and Taiwanese women and girls had been forced to prostitute themselves. Proof was available in the form of detailed regulations framed by the Japanese military.

43. It was clear that the Japanese army had been directly responsible for the taking of the women, often transported on military ships to a life of living hell where they had been beaten, tortured, raped by soldiers during the day and by officers at night, poorly fed and infected with venereal disease and where they had remained for periods ranging from three weeks to eight years. That hell, which had been the fate of 100,000 to 200,000 women, had not ended after the war: after being abandoned by fleeing Japanese soldiers, some of them had reached home only to lead lives of isolation. The victims had had to pay the price of the violations inflicted upon them. The actions of the then Government of Japan had violated customary norms of international law and conventions concerning war crimes, crimes against humanity, slavery and trafficking in women and children. Those acts should have been made a part of the trials held at the close of the war. But the focus of those trials had been on acts committed against nationals of the Allied Powers.

44. The term "compensation" encompassed a broad range of measures. Many of the recommendations made by Mr. Theo van Boven, Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (E/CN.4/Sub.2/1992/8) pertained to that issue. Neither the 1965 Agreement on the Settlement of Problems concerning Property and Claims between Japan and the Republic of Korea nor the 1956 Reparations Agreement concluded between the Philippines and Japan were an impediment to the former comfort women's claims. The issue of compensation for individuals had not been part of the negotiating process. Therefore it had never been settled.

45. The Japanese Government had very recently admitted that the then Japanese military had been directly or indirectly involved in the establishment and management of the "comfort stations" and the transfer of comfort women. It had also admitted that the women had been recruited by force and that military personnel had directly taken part in the recruitments. It had also conceded that it was apparent that the number of comfort women had been very great and that life at the comfort stations had been miserable. Lastly, it had recognized that the action had severely injured the honour and dignity of many women, and had apologized to them. There was thus all the more reason for establishing a mechanism to investigate the cases of the women who had come forward thus far. It was not sufficient to rely on cases brought before the Japanese courts, which might take up to 10 years to resolve. Given the age of the victims, that was not an adequate means of redress for the human rights violations perpetrated against them.

46. The Allied Powers had had full knowledge in 1945 of the fact that those atrocities had been committed. Yet they had done nothing to bring the offenders to trial, although there had been no reason why those actions on the part of the Japanese military should not have been brought before the Military Tribunal for the Far East as crimes against humanity. The Allied Powers had a responsibility to explain their conduct, to make public all records in their possession and to put pressure on the Government of Japan to take adequate steps to compensate and provide full restitution to the women.

47. Mr. GUISSE thanked Mr. Maxim for the important work he had done in investigating all contemporary forms of slavery, that unhappy reminder of an age when human beings had been sold like chattels. The new forms of exploitation, although less traditional, were still slavery. He drew attention to the fate of migrant workers who were subjected to a form of exploitation that was akin to slavery and was sometimes condoned by the authorities. Children, too, were subject to exploitation of the utmost gravity - prostitution, pornography, beggary, sale of organs. He vehemently decried all practices which violated the integrity of the child's person and demanded that all exploitation, sale or proceeds of such practices should be declared contrary to the law - national and international - and should be the subject of preventive and punitive laws whose enactment would undoubtedly require great courage at the political level.

48. He commended the work of the NGO SOS-Torture, which had appealed to the international community to take a deeper interest in children subjected to such exploitation. He, in turn, appealed to the United Nations to show more interest in such children. With regard to the legal status of children, he said that a child, whatever its conflict with the law, should be able to claim the protection due to it as a child, and that the social, biological and psychological needs of children should receive the full attention of national and international institutions.

49. The prostitution of women could be assimilated to slavery, for women were often forced to prostitute themselves, generally for the benefit of unscrupulous pimps. He endorsed Mr. Maxim's views concerning the need for effective machinery to investigate contemporary forms of slavery in depth.

50. Mrs. CHAVEZ also congratulated Mr. Maxim on his work and drew attention to some of the recommendations in the Working Group's report (E/CN.4/Sub.2/1993/30) and, in particular, to the importance of giving the Working Group a sense of stability and continuity. It was, she believed, essential that members of the Group should participate in consideration of the report on the status of the Convention for the Suppression of the Traffic in Persons and receive reports on the implementation of that Convention. The Working Group would thus be enabled to discharge its duties more effectively.

51. Mrs. BRON (World Organization against Torture) deplored the recrudescence of the torture and murder of street children, the detention of children under conditions conducive to cruel, inhuman or degrading treatment, the use of torture against minors during police interrogations and the many cases of children forced to witness the torturing of their parents.

52. Referring to the recent massacre of eight street children in Rio de Janeiro, she said such incidents were not confined to Latin America but occurred also in Europe, Asia and Africa. She referred in particular to Colombia, Guatemala, Mauritania, Côte d'Ivoire, Mozambique, Madagascar, India and the Philippines, where thousands of children were the victims of violence by the police, the army or parmailitary groups. Public opinion was being roused, but encouraging as that development was, it would not suffice to protect the millions of abandoned children in the streets. The authorities of the countries concerned, with the international community's support, would have to find ways of dealing with the problem. Her organization asked the Sub-Commission to recommend the appointment of a special rapporteur on the situation of street children.

53. Another issue which deserved the Sub-Commission's attention was the detention of minors, which often resulted in grave violations of their fundamental rights. The situation was reported to be particularly alarming in Africa, notably in Mauritania, Madagascar and Zaire, where there were frequent complaints of overcrowded prisons, lack of food and medical care, and corporal punishment of child prisoners. In Madagascar, over 200 young detainees were reported to have died at the Fianarantsoa prison in 1991 as a result of semi-starvation and exposure to a variety of diseases. In Mauritania, juveniles were detained at a special centre but were nevertheless put in fetters, beaten with horsewhips and subjected to many other inhuman punishments. In Eastern Europe, and especially in Russia, it was reported that child detainees were held in particularly degrading conditions and often subjected to brutality.

54. In many other countries, especially on the Indian subcontinent, children were incarcerated in prisons for adults in flagrant violation of international standards and treaties. In such circumstances the physical and psychological integrity of child detainees was severely threatened and in many cases they became the slaves, scapegoats and sexual prey of their adult co-detainees. In Pakistan, over 1,900 children were reported to have been incarcerated in 1991 in cells which they shared with adults, and more than a quarter among them were said to have suffered sexual abuse. In Nepal, hundreds of children, often arrested for simple vagrancy, were incarcerated in prisons for adults. The situation was reported to be the same in India.

55. Her organization appealed to the international community to mobilize to help the Governments of the countries concerned remedy the shortage of facilities that underlay prison overcrowding, and also to demand that the Governments take immediate steps to release all minors incarcerated in prisons for adults.

56. Her organization viewed with deep disquiet the recrudescence of the torture of minors during police interrogations and military raids or by way of punishment imposed by judiciary authorities. In several countries - and she particularly denounced those governed by Koranic law - cruel and inhuman punishments were imposed on children. In Iran, little girls were regarded as adults from the age of nine years and could therefore be condemned to whipping or stoning. She mentioned the case of Salamat Masih, an 11-year-old boy arrested for scribbing what were supposed to be blasphemous messages on the walls of a mosque. He was reportedly liable to the death penalty. The

torture of children or minors during interrogations at police stations or in pre-trial detention was reported to be common, particularly in India, Nepal and Turkey. In the latter country there had been repeated complaints but the Turkish authorities had failed to take corrective action.

57. Torture was also frequent in countries at war where the soldiers flouted the panoply of international provisions for the special protection of children. Indeed, because children were regarded as sources of information they were particularly vulnerable. The Kurdish population, including minors, was particularly at risk in Turkey where, in April 1992, on the occasion of a raid on the town of Dargesit a boy aged 15 had been tortured by Turkish soldiers who suspected the towns people of hiding weapons. In Iraq, Kurdish children and children of the Shiite community were regularly arrested and tortured. In the former Yugoslavia, little girls were raped and children tortured or forced to be present at the rape, torture or execution of their parents by Serb soldiers. Twenty thousand women, almost half of them reportedly aged between 7 and 17 years, were said to have been systematically raped by the Serb armed forces. According to a prisoner's testimony a little girl of four had been raped by several Serb soldiers. In Peru, Colombia and Guatemala children had been tortured in the hope of obtaining information about the activities of presumed opponents of the regime. In Colombia, Mrs. Esperanza Silva Corona, accused of serving as a nurse to a group of guerrillas, had been tortured to death in front of her children.

58. Those were only a few examples of the many cases brought to her organization's notice. It was, in her organization's view, imperative that the prevention of torture, whether physical or psychological, should be included among the Sub-Commission's priorities.

59. Ms. LEWIS (Anti-Slavery International for the Protection of Human Rights) said that important steps had been taken over the past five years on the recommendation of the Working Group on Contemporary Forms of Slavery, the most notable being the appointment of the Special Rapporteur on the sale of children, the establishment of the United Nations Trust Fund for Contemporary Forms of Slavery, the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, the Programme of Action for the Elimination of the Exploitation of Child Labour and Debt Bondage and the draft Programme of Action for Prevention of Traffic in Persons and the Exploitation of the Prostitution of Others. It should not be forgotten that large numbers of people around the world were still not being treated as human beings with rights, and that concerted efforts were needed to bring about meaningful change in that situation. Her organization welcomed the statements in the Vienna Declaration and Programme of Action explicitly condemning violence against women, sexual slavery and trafficking in women. It welcomed also the statements concerning the promotion of international cooperation and solidarity for implementation of the Convention on the Rights of the Child.

60. The Working Group's most recent session had unfortunately been disappointing. There was need to encourage dialogue between the Working Group, government representatives, the specialized agencies and the NGOs. Her organization would have welcomed more information on the replies of Governments, specialized agencies and NGOs concerning implementation of the conventions and of the Programme of Action for the Prevention of the Sale of

Children, and in particular on information campaigns and social and educational measures. The enactment of legislation was not sufficient in itself. She regretted that so few Governments had responded to the Working Group's inquiries and, more particular, that no Government had explained its non-ratification of the conventions. She was concerned that the Commission on Human Rights had not taken any action at its forty-ninth session with regard to the draft Programme of Action for the Prevention of the Traffic in Persons and Exploitation of the Prostitution of Others and that the proposal for a seminar to be organized by the Centre for Human Rights on problems involved in the application of the standards and principles relating to trafficking and prostitution of others had not been followed up. Lastly, she regretted the absence of UNICEF representatives at the Working Group's session, given that agency's experience in the field of problems relating to children. The ILO representatives had made some very constructive and helpful comments, and the UNESCO representatives had reaffirmed that agency's commitment to playing an active role in the Working Group. The presence of a WHO representative would also be appreciated when issues such as child prostitution and traffic in organs were discussed.

61. In conclusion, her organization wished to propose (a) that the Working Group consider ways of improving the level of dialogue during sessions and that the members of the Working Group should specialize in one of the issues in which they had special competence or interest; (b) that guiding principles be formulated to assist governments in developing new legislation in the fields under consideration; and (c) that a concentrated and decisive drive be made to ensure that the Voluntary Trust Fund for contemporary forms of slavery became operational by the Working Group's nineteenth session. She indicated that her statement was supported by the Associated Country Women of the World, International Abolitionist Federation, International Association of Democratic Lawyers, International Catholic Child Bureau, International Federation of Business and Professional Women, International Federation of Social Workers, La Leche League International, World Union of Women's Organizations, World Federation of Methodist Women, International Save the Children Alliance and Defence for Children International.

62. Mr. Al-Khasawneh resumed the Chair.

63. Mr. DILLENSEGER (International Abolitionist Federation) called upon the Sub-Commission to speak out firmly in favour of the defence of values connected with human sexuality and against practices deriving from old or contemporary forms of exploitation of the human body. It was clear today that GNP was no longer a sufficient guide to the success or failure of a country and that "homo economicus" was not the finest flower of humankind. The human development index devised by the United Nations would be improved by the introduction of data concerning financial ethics and freedoms. In that way, the concept of non-commercialization of the human body could be defined more clearly, it being understood that human sexuality was not something to be bought and sold and that nothing relating to the integrity of the person could form the subject of speculation or trafficking. Human sexuality could be neither standardized nor regulated. The question to be asked was whether human sexuality as a whole was an essential, intangible value recognized as such by an international committee on ethics and therefore non-tradeable. It was also important to understand the connection between trafficking in

persons, prostitution and the drug traffic. A resolute war had to be waged on organized prostitution, as pernicious as drugs and, like drugs, connected with the world of crime and a source of considerable profit to public authorities and especially to international criminal organizations.

64. The Sub-Commission should take a firm stand on the subject of the occurrence and the pernicious consequences of such trafficking and should consider appending to the Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 2 December 1949 an additional protocol aimed at the abolition of tax havens and providing, if necessary, for the lifting of banking secrecy which facilitated the laundering of cash.

65. His organization proposed, as envisaged in the draft programme of action of the Centre for Human Rights, the holding of a seminar of experts, to be attended by representatives of all authorities concerned by the problem, which could draft an additional protocol of such a kind with a view to enlarging the scope of the Convention to include contemporary forms of sexual exploitation which were currently developing. It also proposed that a committee modelled on the Committee against Torture or the Committee on the Rights of the Child be established to monitor the implementation of the Convention of 2 December 1949 that a special rapporteur be appointed to enquire into all aspects and effects of the exploitation of prostitution wherever the problem arose, with a view to obtaining a better understanding of a reality about which governments provided only fragmentary information, that a publication describing a programme of action against the prostitution of adults of both sexes be prepared and disseminated, and that a world day of struggle against slavery be proclaimed on 2 December of each year, the anniversary of the signature of the Convention, as well as the holding of a decade for the prevention of sexual exploitation. The International Abolitionist Federation itself was campaigning in many different ways to put an end to the scourge and, in particular, was participating with other movements in the world campaign against sex tourism.

66. Mr. EIDE thanked all members of the Working Group and all representatives of NGOs and Governments who had participated in its work and had provided it with information of great use. In view of the importance of the issue he strongly approved Mr. Maxim's recommendations and suggestions, in particular his suggestion that the continuity of the Working Group should be ensured by extending its mandate and giving it a status similar to that of the Working Group on Arbitrary Detention. He hoped specific proposals to that effect would be forthcoming.

67. Mr. SANDERS (International Lesbian and Gay Association) welcomed the significant developments achieved in the past year on lesbian and gay rights at the national, regional and international levels. At the national level, many laws to bar discrimination on the basis of sexual orientation had been enacted in a number of countries, and in particular in New Zealand where such a law had been enacted on 28 July 1993, in Canada where discrimination on the

basis of sexual orientation was now banned in all provinces, in the Netherlands, in four cities in Brazil including Rio de Janeiro and Sao Paolo, and the Republic of Ireland where such a ban would come into force by the end of the year and would apply to the armed forces.

68. At the regional level, note should be taken of the publication of a study on homosexuality prepared with the help of the European Human Rights Foundation and funded by the European Community. It should also be noted that the question of lesbian and gay rights had been raised publicly at the follow-up meeting of the Conference on Security and Cooperation in Europe at Helsinki in 1992 and of the fact that the International Lesbian and Gay Association had been officially accredited to the interregional human rights conference held by the Council of Europe in Strasbourg in January 1993, where three of the six discussion group reports had called for equality rights for lesbians and gay men.

69. At the international level, the decision taken on 30 July 1993 by the Economic and Social Council at its recent session in Geneva to approve the application of the International Lesbian and Gay Association for consultative status was significant. Having obtained that status, his organization could now speak in its own name, and in that connection he wished to thank Human Rights Advocates for their support the previous year. It was also encouraging to note that lesbian and gay issues were coming to be recognized as important human rights issues. Thus, in his final report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16), Mr. Danilo Türk, the Special Rapporteur on that question, expressed the view that the United Nations should henceforth devote increased attention to areas of discriminatory behaviour generally ignored at the international level, including discrimination on the grounds of sexual orientation. The twenty-fifth anniversary of the Stonewall riot in New York, the event which had marked the beginning of the gay, lesbian and bisexual "liberation" movements, would be celebrated in 1994. It would be a fitting move on that occasion for the Sub-Commission to appoint a special rapporteur to study the human rights of lesbians, gays and bisexuals.

70. Mrs. BRIDEL (International Association of Democratic Lawyers) drew the Sub-Commission's attention to a special form of gross violation of human rights committed by Japan during the Second World War, namely, the sex slavery to which, a number of women, many of them Korean, had been subjected. She explained that she was speaking on behalf of Ms. Jong Song Myong, who spoke only Korean, and who had been one of the "comfort women" of the Japanese army. In 1943, aged 19, Ms. Jong Song Myong had been taken by force to a barracks of the Japanese army in Myanmar where she had suffered repeated sexual violence from Japanese soldiers. Women who had refused to yield had all been killed, and only Japan knew how many Korean women had died in that fashion. It was clear that she and her companions had been turned into sex slaves for the simple reason that their country had been "colonized". The Japanese Government, which had attempted in every way to deny the facts, claiming, for example, that there had been "no coercion", had suddenly apologized to Korea on 4 August. But excuses without clarification of the truth were useless. The Japanese Government's apology was designed solely to shift the focus of attention and to avoid any close investigation of the facts. It was obvious that Japan had committed a most serious crime in contempt of justice and in

violation of international law. It was essential that those responsible for the crimes should receive criminal punishment following investigation and publication of the truth. Moreover, the Japanese Government should not only present sincere apologies but should also duly compensate the victims and their families.

71. Her organization invited the Sub-Commission to request the Japanese Government to delay no further in investigating the total number of "comfort women" and their numbers by nation, drawing up a list of the victims, revealing the real object of the operation, and publishing the results of the inquiry. Should the Japanese Government refuse and seek to escape its duty to compensate the victims, an international tribunal should be set up to establish the truth. The International Association of Democratic Lawyers appealed to the members of the Sub-Commission and all human rights specialists to consider the problem, interviewing Ms. Jong Song Myong if they so wished, because such violations of human rights should not remain unpunished.

72. Turning to the question of trafficking in children's organs under agenda item 16, she noted that the latest report submitted to the Commission on Human Rights by the Special Rapporteur on the sale of children, Mr. Vitit Muntarbhorn, (E/CN.4/1993/67) contained no new information on that point. For 1992, the Special Rapporteur cited replies to a questionnaire sent to Governments from which it emerged that none of them admitted the existence of such traffic in its territory. Yet official inquiries into cases of that nature had been opened, for example in Argentina, Peru and Colombia. An attempt by the Special Rapporteur to ascertain the result of those inquiries, first by approaching INTERPOL and then the lawyers, judges and even the policemen who were dealing with those unhappy cases and had access to important information, would have been desirable. Mr. Muntarbhorn's report contained nothing new that would help forward the struggle against the commercialization of children's organs.

73. Trafficking in children's organs did in fact exist, and one of the participants in the International Conference on the Law and Ethics of Health held at Toronto in July 1992, Dr. Martin (Switzerland), had recognized that fact, adding that it was unfortunately not certain that regulating the trade at the ethical and economic levels would put an end to such crimes. Crimes there certainly were, since often the children from whom organs had been taken were murdered afterwards and their murders were preceded by the crime of enforced or voluntary disappearance, most of the children having been kidnapped. Moreover, the perpetrators of the crimes remained unpunished because they were clever and enjoyed protection as drug traffickers. Moreover, no one wanted to know the dreadful truth and everyone preferred to wait before doing anything. Eighteen years previously no one had wanted to believe in the existence of trafficking in children for purposes of prostitution when hundreds of children had already been the victims of such traffic in Thailand at the time. Today their number was reported to exceed 800,000. The longer the world waited before intervening and blocking the commercialization of human organs, the more the practice would tend to become industrialized because it was a considerable source of profit. Impunity was the more difficult to prevent in that particular case as the criminals operated in several countries with the help of international crime organizations; that was the reason why it was essential to carry out thorough

investigations in order that, as Mr. Bernard Kouchner had told the French Parliament in November 1992, the fragmentation of human beings into collections of "spare parts" should not give rise to a new slavery of great masses of poor men, women and children for the benefit of the medicine of the rich.

74. In Mexico, a commission had been established in 1990 to inquire into kidnappings of children taken to Tijuana and Ciudad Juarez, where the existence had been discovered of 17 private clinics which, among other surgical operations, offered cornea and kidney transplants to an 80-per-cent foreign clientele. The deputy on whose initiative the commission of inquiry had been set up had been sure that a traffic in organs existed, but the authorities had done nothing to facilitate the investigation and to reveal the truth. When trafficking in children for purposes of prostitution had been revealed earlier, the mayor of Tijuana had recognized the existence of the problem but had said that it was better not to talk about it so as not to hurt tourism. The President of Honduras himself had said that he was afraid organized traffic in children's organs might exist in his country, where more than 600 children had disappeared within a period of 6 months, as reported in Le Monde of 21 April 1993. There had also been several articles in the press on cases of that type involving individuals, many of them children, kidnapped in Albania and taken to specialized clinics abroad.

75. Those examples showed that vigilance was called for more than ever. It was essential, above all, to create effective and authoritative means of ascertaining the facts so as to be able to denounce them. Her organization continued to hope that, with moral and financial support from the United Nations, rapid progress could be made in the area under consideration with a view to putting an end to trafficking in organs and destroying the channels used for that criminal purpose.

The meeting rose at 6 p.m.